

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|--|---|------------------|
| KOCH FOODS OF ALABAMA, LLC, an Alabama limited liability company, |) | |
| |) | |
| Plaintiff and Counter- Defendant, |) | |
| |) | CIVIL ACTION NO. |
| vs. |) | 2:07 CV 522-MHT |
| GENERAL ELECTRIC CAPITAL CORPORATION, a Delaware corporation, |) | |
| |) | |
| Defendant, and Counter- Plaintiff, |) | |
| |) | |

GENERAL ELECTRIC CAPITAL CORPORATIONS'S LIST OF
WITNESSES, DEPOSITION DESIGNATIONS, AND EXHIBITS FOR TRIAL

Defendant and Counterplaintiff, General Electric Capital Corporation (“GE Capital”), by and through its undersigned counsel, and pursuant to the Uniform Scheduling Order entered in the above-captioned proceeding on July 17, 2007 (the “Scheduling Order”), hereby submits its list of witnesses, deposition designations, and exhibits to be presented at the trial scheduled for the trial term beginning on April 14, 2008. In conjunction therewith, GE Capital states as follows:

I. LIST OF WITNESSES

A. Witnesses GE Capital Expects To Present

| <u>Witness Name</u> | <u>Address</u> | <u>Phone Number</u> |
|---------------------|--|---------------------|
| 1. William Wilson | General Electric Capital Corporation 44 Old Ridgebury Road Danbury, CT 06810 | (203) 731-3803 |
| 2. John Sutshall | General Electric Capital Corporation 1001 Windward Concourse, Suite 403 Alpharetta, GA 30005 | (770) 999-4936 |
| 3. William Perry | General Electric Capital Corporation 31 Inverness Center Parkway Birmingham, AL | (205) 991-4229 |

| | | |
|----------------------|---|--|
| 4. Robert Breakstone | Equipment Exchange Company of America, Inc. 10042 Keystone Drive Lake City, PA 16423 | (814) 774-0888 |
| 5. Mark Kaminsky | 1300 West Higgins Road Park Ridge, IL 60068 | via Eugene Geekie at (312) 258-5500 |
| | c/o Eugene Geekie, Jr. Esq. Schiff Hardin LLP 6600 Sears Tower Chicago, IL 60606 | |
| 6. Lyman Campbell | 4530 Mobile Highway Montgomery, AL | via Eugene Geekie at (312) 258-5500 |
| | c/o Eugene Geekie, Jr. Esq. Schiff Hardin LLP 6600 Sears Tower Chicago, IL 60606 | |

B. Witnesses GE Capital May Present If The Need Arises

| <u>Witness Name</u> | <u>Address</u> | <u>Phone Number</u> |
|---------------------|---|--|
| 1. David Bromley | 4530 Mobile Highway Montgomery, AL | via Eugene Geekie at (312) 258-5500 |
| | c/o Eugene Geekie, Jr. Esq. Schiff Hardin LLP 6600 Sears Tower Chicago, IL 60606 | |
| 2. Michael Leonard | 615 Wedgewood Drive Woodstock, GA 30189 | (404) 386-6011 |
| 3. Joseph DiSalvo | General Electric Capital Corporation 44 Old Ridgebury Road Danbury, CT 06810 | (203) 796-1000 |

II. DESIGNATION OF DEPOSITION TESTIMONY

In compliance with Section 10 of the Scheduling Order and Rule 26(a)(3) of the Federal Rules of Civil Procedure, GE Capital hereby identifies the following deposition designations to be used at trial:

| <u>Deponent Name</u> | <u>Designated Deposition Portion</u> | | |
|----------------------|---|--|--|
| 1. Mark Kaminsky | pp. 20:11-21:14; p. 29:1-9; p. 37:11-18; p. 42:10-12; p. 44:12-16; p. 48:2-8; p. 55:7-14; p. 56:11-14; | pp. 67:13-68:15; p. 69:9-12, 14-21; p. 70:19-71:14; pp. 79:24-80:5; p. 80:16-22; p. 85:8-11; pp. 88:23-90:2; p. 91:8-9; | p. 96:1-2; p. 112:17-20; p. 125:8-11; pp. 135:24-136:2; p. 136:9-19; p. 144:5-19; pp. 145:13-146:5; pp. 146:17-147:5. |
| 2. David Bromley | p. 34:1-3; pp. 40:21-41:5; p. 43:3-16; | p. 44:12-16; p. 50:9-13; p. 46: 1-20; | p. 48:3-9; pp. 51:11-52:14. |
| 3. Michael Leonard | pp. 6:19-9:21; | pp. 27:21-25. | |
| 4. Wayne Jones | pp. 30:10- 32:17; | p. 34:3-18; | p. 38:13-15. |

III. DESIGNATION OF EXHIBITS

In compliance with Section 11 of the Scheduling Order, and Rule 26(a)(3) of the Federal Rules of Civil Procedure, GE Capital identifies the exhibits listed below for use at trial. These exhibits are in addition to those exhibits that the parties have previously stipulated to, as reflected in the Order on Pretrial Hearing entered on February 22, 2008, which GE Capital incorporates herein by reference.

1. Email exchange between Eugene Geekie and Ann Pille, dated June 1, 2006 (Bates Nos. GE 588- GE590).
2. Expert Report of Robert Breakstone for General Electric Capital Corporation in the matter of Koch Foods of Alabama, LLC v. General Electric Capital Corporation, Case No. 07 C 522, dated October 1, 2007.
3. Koch's Responses to GE Capital's First Set of Interrogatories, Document Requests, and Requests to Admit, dated August 9, 2007.

In compliance with the Scheduling Order, copies of these documents have been furnished for opposing counsel's review and inspection.

Dated: March 5, 2008.

By: /s/ Rusha C. Smith
Attorney for General Electric Capital
Corporation

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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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